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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/553,292

Filing Date: November 10, 2006

Appellant(s): SCHULZ ET AL.

Frank R. Occhiuti (Reg. No. 35,306)  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed May 04, 2011 appealing from the Office action  
mailed September 17, 2010.

**(1) Real Party in Interest**

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The following is a list of claims that are rejected and pending in the application:

Claims 1-23.

**(4) Status of Amendments After Final**

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

**(5) Summary of Claimed Subject Matter**

The examiner has no comment on the summary of claimed subject matter contained in the brief.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN

REJECTIONS.” New grounds of rejection (if any) are provided under the subheading “NEW GROUNDS OF REJECTION.”

#### **(7) Claims Appendix**

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant’s brief.

#### **(8) Evidence Relied Upon**

|              |                |         |
|--------------|----------------|---------|
| 2002-0130065 | Bloom, Gregg   | 09-2002 |
| 6,601,073    | Robare, Philip | 07-2003 |

#### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloom “US 2002/0130065 A1” (Bloom) in view of Robare “US 6,601,073 B1” (Robare).
2. **Regarding Claim 11:** Bloom discloses a device for distributing packages or similar dispatched articles for performing the method according to claim 1, the device comprising:
  - a HUB center and in the area of the HUB center measuring device comprising **(at least see Bloom Abstract; Figs. 1 and 1A)** ;
  - a central computer, wherein measured data measured by the measuring device are supplied to the central computer correlating the measured data to the packages as package routing codes such that by means of the measured data processed by the central computer in the HUB center a control action is effected with which the packages are transferable in an ordered sequence into at least one vehicle and the packages are distributable by a route planning that is

dynamically optimized by the package routing codes (**at least see Bloom Abstract; ¶¶ 0066, 0071, 0140, 0161, 0191, 0232-0238 and 0247**).

- Bloom discloses the claimed invention but fails to explicitly disclose sensor units for detecting identification data, package sizes (length, width, height, weight), addresses and geo coordinates, respectively. However, Robare discloses this limitation (**at least see Robare Fig. 1; 8:38-67**).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Robare's teachings in Bloom's Method and Apparatus For Efficient Packet Delivery and Storage enabled, for the advantage of faster sorting and distribution the items to the destination.

3. **Regarding Claim 12:** Bloom in combination with Robare discloses the device according to claim 11,

- wherein, for detecting and identifying the packages by package codes, a transponder as an information carrier is secured on the packages, wherein data of the transponder are acquired in the area of the HUB center that is configured as a sorting location and has a HUB computer with a stored-program control unit connected to the central computer, which HUB computer for handling the packages interacts respectively with sensor devices, controlled storage devices, packing devices, and distribution systems on the basis of the geo coordinates (**at least see Bloom ¶¶ 0138 and 0325-0331**).

4. **Regarding Claim 13:** Bloom in combination with Robare discloses the device according to claim 12,

- wherein the sensor units are arranged in the HUB center in the area of an arrival conveying

stretch and individually measure the packages, wherein comparing and measuring results of the sensor units are transmitted in the form of the package routing codes to the transponder forming the information carrier and to the HUB computer (**at least see Bloom ¶ 0250**).

5. **Regarding Claim 14:** Bloom in combination with Robare discloses the device according to claim 11,

- wherein the HUB center in the area of an exit conveying stretch is provided with a packing device and a support device receiving package stacks contained in a transport box (**at least see Bloom ¶¶ 0181-0183**).

6. **Regarding Claim 15:** The device according to claim 11,

- wherein as a support device for sorted package stacks a transport box having standardized dimensions is provided (**at least see Bloom ¶ 0082**).

7. **Regarding Claim 16:** Bloom in combination with Robare discloses the device according to claim 11,

- wherein selected packages in the area upstream of a packing device pass through a transport system that distributes the packages in a targeted way for transfer into transport boxes (**at least see Bloom ¶ 0006**).

8. **Regarding Claim 17:** Bloom in combination with Robare discloses the device according to claim 11,

- wherein the package routing codes generated in the central computer for a transport box, respectively, are transmitted wireless or by a data storage medium onto a terminal device provided in a distribution vehicle (**at least see Bloom ¶¶ 0107--0109**).

9. **Regarding Claim 19:** Bloom in combination with Robare discloses the device according

to claim 17,

- wherein the terminal device has an input part that acknowledges the delivery of the package (al least see Bloom Abstract; ¶¶ 0017, 0277).

10. **Regarding Claim 22:** Bloom in combination with Robare discloses the device according to claim 11,

- wherein the control action is performed on a predetermined periodic basis (al least see Bloom ¶¶ 0214, and 0255).

11. **Regarding Claim 23:** Bloom in combination with Robare discloses the device according to claim 22,

- wherein the period of the predeterlnined periodic basis is daily (al least see Bloom ¶¶ 0255, 0270, and 0349).

12. **Regarding Claim 18:** Bloom in combination with Robare discloses the device according to claim 17,

- wherein a navigation system or auxiliary devices with an application for geo coordinates that is integrated into the distribution vehicle are connectable to the terminal device (al least see Robare Abstract).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Robare's teachings in Bloom's Method and Apparatus For Efficient Packet Delivery and Storage enabled, for the advantage of better communications for a faster deliver.

13. **Regarding Claims 1-10:** all limitations as recited have been analyzed and rejected with respect to claims 11-19 and 22-23. Claims 1-10 and 20-21 pertain to a method corresponding to the system of claims 11-19 and 22-23. Bloom is a method and system for the efficient bulk

package delivery for recipients (Abstract). Thus, claims 1-10 and 20-21 are inherently anticipated via analysis through claims 11-19 and 22-23. Moreover, implementing the system of claims 11-19 and 22-23 will necessitate carrying out the steps prescribed in corresponding method claims 1-10 and 20-21.

#### **(10) Response to Argument**

On Pages 7-12 of the Brief, the applicant argues that neither Bloom nor Robare disclose “sensor units for detecting identification data, package sizes (length, width, height, weight), addresses and geo coordinates, respectively. However, Robare discloses this limitation (**at least see Robare Fig. 1; 8:38-67**). However, Bloom in [0002] stated “The invention pertains to the general field of storage and delivery of ordered items. More particularly, the invention pertains to an efficient method for handling the bulk delivery of articles from a depot into an automated article storage and retrieval system at a centralized article pickup location.” In Robare in the Abstract stated that “database architecture for using geographic data to provide navigation-related functions is disclosed. The navigation-related functions are provided by navigation program applications. A geographic database is stored on a medium and includes data representing geographic features and has a plurality of indexes into the data. A data access layer accepts requests from the navigation program applications for geographically-referenced data, accesses the geographic database and provides responses to the requests from the navigation program applications for geographically-referenced data. Logic rules are associated with the geographic database. The data access layer includes a deductive database engine that accesses and combines the logic rules to determine how to use to the indexes to access the data from the medium and to convert the data from a format in which they are stored on the medium into a

format that the navigation program applications can use.” Robare discloses this feature (at least see Figs. 5-6; 8:35-67; Each of these locations 116 has a unique physical location (latitude, longitude, and optionally absolute or relative altitude) and each of locations 116 can be uniquely identified by its two dimensional (or three dimensional) geographic coordinates (i.e., latitude, longitude, and optionally altitude) . Also in 9:5-19 “As shown in FIG. 6, the parcel 90 is then stored to form the database 42 so that the data in each parcel 90 are logically and/or physically grouped together. Since the parcel represents the quantity of data that is accessed at the same time from the medium by the navigation system, when a parcel of data is accessed, all of its data records are read into the memory of the navigation system at the same time. With reference to the map 111 of FIG. 5, this means that all the data records of a spatially organized type of data encompassed within each rectangle 119 are accessed together as a group. It can be appreciated that for certain kinds of navigation functions, it is desirable to have in memory at the same time all the data records that represent features that are physically close together in the geographic region.” Using the sensor in Robare in Fig. 1 sensor to the positioning system. Also in 3:53-64 and 4: 46-64 it explain how the component of 24 include a sensor and provide the and detect various data. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Robare sensing devices 25 that measure the speed, direction, angular acceleration, and so on in detecting identification data, such as packages sizes as an upgrade and for faster sorting and distribution the items to the destination. Therefore Bloom in combination Robare meets the scope of the claimed limitations.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/F. O./

Examiner, Art Unit 3627

6/15/2011

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